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PARLIAMENT SECRETARIAT  
NOTIFICATION

*New Delhi, the 26th December, 1953*

**No. F. 529-L/53.**—Under Rule 67 of the Rules of Procedure and Conduct of Business in the House of the People, the Speaker has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

(TO BE INTRODUCED IN THE HOUSE OF THE PEOPLE)

*Bill No. 71 of 1953*

*A Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom.*

BE it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Untouchability (Offences) Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) 'hotel' includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;

(b) 'place' includes a house, building, tent and vessel;

(c) 'place of public entertainment' includes any place to which the public are admitted and in which an entertainment is provided or held.

*Explanation.*—‘Entertainment’ includes any exhibition, performance, game, sport and any other form of amusement;

(d) ‘place of public worship’ means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to or is used generally by persons of any religious denomination or any section thereof for the performance of any religious service or for offering prayers therein; and includes all lands and subsidiary shrines appurtenant or attached to any such place;

(e) ‘shop’ means any premises where goods are sold either wholesale or by retail or both, and includes a laundry, a hair cutting saloon and any other place where services are rendered to customers;

(f) ‘untouchable’ means a member of a Scheduled Caste as defined in clause (24) of article 366 of the Constitution, and includes any other person who by custom or usage is regarded as an ‘untouchable’ by any community or section thereof.

*Explanation I.*—A member of a Scheduled Caste shall not cease to be such member if he resides in any locality other than the locality specified in relation to him in any public notification issued or any law made by Parliament under article 341 of the Constitution.

*Explanation II.*—A member of a Scheduled Caste who has been converted from the Hindu religion to any other religion shall, notwithstanding such conversion, be deemed to be an ‘untouchable’ for the purposes of this Act.

**3. Right of untouchables to enter places of public worship.**—Every place of public worship shall be open to every untouchable for worship and for the performance of any religious service or for offering prayers therein in the same manner and to the same extent as it is open to any other person belonging to the same religious denomination or to the same section thereof as the untouchable, and every such untouchable shall be entitled to bathe in, or use the waters of any sacred tank, well, spring or water-course in the same manner and to the same extent as other persons belonging to the same religious denomination or any section thereof as the untouchable are entitled to.

**4. Removal of social disabilities on untouchables.**—No untouchable shall on ground *only* that he is an untouchable,—

(a) be ineligible for office under any authority constituted under any law; or

(b) be subject to any disability, liability, restriction or condition with regard to—

(i) access to any shop, public restaurant, hotel or any place of public entertainment;

(ii) the practice of any profession or the carrying on of any occupation, trade or business;

(iii) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road or passage, or any other place of public resort, which other members of the public have a right to use or have access to;

(iv) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public or to the use generally of persons belonging to the same religious denomination or to the same section thereof as the untouchable;

(v) the enjoyment of any benefit under a charitable trust created for the benefit of the public generally or for the benefit of persons belonging to the same religious denomination or to the same section thereof, as the untouchable;

(vi) the use of, or access to, any public conveyance licensed to ply for hire, by any authority constituted under any law.

**5. Prohibition against refusal to admit untouchables to hospitals.**—No person shall refuse admission to an untouchable on the ground only that he is an untouchable to any hospital, dispensary or educational institution or any hostel attached to any educational institution where such hospital, dispensary, institution or hostel is established or maintained for the benefit of the public or for the benefit generally of persons belonging to the same religious denomination or to the same section thereof as the untouchable.

**6. Prohibition against refusal to sell goods or render service to untouchables.**—No person shall refuse to sell any goods or refuse to render any service in the ordinary course of business to any untouchable on the ground only that he is an untouchable.

**7. Limitation of jurisdiction of civil courts.**—(1) No civil court shall entertain or continue any suit or proceeding or shall pass an order or decree or execute wholly or partially any order or decree, if the claim involved in such suit or proceeding or if the passing of such order or decree or if such execution, would in any way be inconsistent with the provisions of this Act.

(2) No court shall in adjudicating any matter or executing any order recognise any custom or usage imposing any civil disability on any untouchable on the ground only that he is an untouchable.

**8. Penalties.**—(1) Whoever—

(i) prevents an untouchable from exercising any right conferred by this Act; or

(ii) molests or obstructs or causes or attempts to cause obstruction to an untouchable in the exercise of any such right; or

(iii) prevents any person by reason of his being an untouchable, from having access to or using any of the places referred

to in sub-clauses (i), (iii) and (v) or any conveyance referred to in sub-clause (vi) of clause (b) of section 4, or from enjoying any benefit under a charitable trust referred to in sub-clause (v) of clause (b) of the said section; or

(iv) contravenes any of the provisions of section 5 or section 6,

shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) Whoever—

(a) denies to any person belonging to his community or any class or section thereof, any right or privilege to which such person would be entitled as a member of such community, class or section; or

(b) votes at a meeting of such community, class or section in favour of a decision regarding the ex-communication of, or imposition of any other social disability on, such person,

on the ground that such person has refused to practise untouchability according to the custom or usage of the community, class or section, as the case may be, or that such person has done any act in furtherance of the objects of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(3) Whoever abets an offence under this section shall be punished with the punishment provided for the offence.

**9. Offences by companies.**—(1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

**10. Cancellation or suspension of licences in certain cases.**—When a person who is convicted under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under section 8, direct that the licence shall stand cancelled or be suspended for such period as the court may deem fit and every order of the court so cancelling or suspending a licence shall have effect as if it had been passed by the authority competent to cancel or suspend the licence under any such law.

*Explanation.*—In this section 'licence' includes a permit or a permission.

**11. Resumption or suspension of grants made by Government.**—Where the manager or trustee of a place of public worship which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in their opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

**12. Act to override other laws.**—Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

**13. Offences under this Act cognisable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences under this Act shall be cognisable.

**14. Repeal.**—The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained herein.

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#### THE SCHEDULE

(See section 18)

1. The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949).

2. The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act X of 1947).

3. The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1947).

4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces Act XII of 1947).

5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces Act XXIV of 1947).

6. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XI of 1938).

7. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).

8. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).

9. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).

10. The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act XIV of 1947).

11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).

12. The Hyderabad Harijan Temple Entry Regulation, 1358F (No. LV of 1358 Fasli).

13. The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. LVI of 1358 Fasli).

14. The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).

15. The Mysore Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).

16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).

17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No. XL of 1948).

18. The United State of Travancore-Cochin Removal of Social Disabilities Act (Travancore-Cochin Act VIII of 1125).

19. The Coorg Scheduled Caste (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).

20. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).

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### STATEMENT OF OBJECTS AND REASONS

Under article 17 of the Constitution, untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law. As no Central law exists on the subject, a law has to be enacted by Parliament as required by sub-clause (ii) of clause (a) of article 35 of the Constitution and the Bill has been prepared in pursuance of this requirement.

It is not possible to define untouchability and, therefore, the scheme of the draft Bill is to make express provisions with respect to the more common forms of untouchability which are practised in India.

The special features of this Bill as compared with the existing State laws on the subject are that—

(a) the Bill is not confined to Hindus;

(b) an untouchable shall not cease to be an untouchable if he resides in any locality other than the locality mentioned in relation to him under the Constitution (Scheduled Castes) Order, 1950;

(c) whoever takes any part in the ex-communication of, or imposition of any social disability on, any person who refuses to practise untouchability or does any act in furtherance of the objects of this new law will also be guilty of an offence;

(d) in addition to the normal penalty for an offence, the Court may also cancel or suspend any licence in respect of any profession, trade, calling or employment when an offence is committed under this law during the course of any such profession, trade, calling or employment.

Offences under this new law are to be cognisable.

K. N. KATJU.

NEW DELHI;  
*The 19th December, 1953.*

M. N. KAUL,  
*Secretary.*

